The background papers on the candidate national program priorities are intended to initiate further discussion. When priorities are selected more detailed strategies with in-depth background information, numerical targets, schedules, milestones and performance measures will be developed.

Proposed Priority: Asbestos Hazard Emergency Response Act/Asbestos in Schools
Many schools contain asbestos, which if disturbed or damaged, can release fibers into the environment which may cause severe health problems 15-30 years after exposure. As renovation, regular or special maintenance occurs at schools, the disturbance activity can release asbestos fibers into the school's indoor environment. Without adequate safeguards in place, friable asbestos fibers can circulate through the school's heating, ventilation and air conditioning (HVAC) system - causing severe respiratory illness and cancer.

In 1986, the Asbestos Hazard Emergency Response Act [AHERA; Asbestos Containing Materials in Schools, 40 Code of Federal Regulations (CFR) Part 763, Subpart E] was signed into law. The law requires the local education agency, usually the local school district or non-profit private school, to designate and train a person to oversee asbestos-related activities in the school system, inspect every school building for friable and non-friable asbestos, prepare a management plan that outlines where and how asbestos is to be managed in each school, consult with accredited professionals to identify and carry out appropriate asbestos control measures, notify the public about the management plan and their opportunity to inspect the plan, and keep records of all asbestos activities. Many schools are unaware of these regulatory requirements.

Some examples of asbestos-containing materials found in schools:

Taping Compounds (thermal)	Laboratory Hoods/Table Tops	Electric Wiring Insulation
Cement Wallboard	Laboratory Gloves	HVAC Duct Insulation
Heating and Electrical Ducts	Acoustical Plaster	Boiler Insulation
Asphalt Floor Tile	Decorative Plaster	Caulking/Putties
Vinyl Floor Tile	Joint/Spackling Compounds	Textured Paints & Coatings
Vinyl Sheet Flooring	Fire Doors	Electrical Panel Partitions
Wallboard	Chalkboards	Spray-Applied Insulation
Ceiling Tiles & Lay-in Panels	Vinyl Wall Coverings	Blown-in Insulation
Adhesives	Pipe Insulation (corrugated air-cell, block, etc.)	

Universe and Types of Facilities: The number and type of schools operating in the United States potentially subject to the Toxic Substance Control Act (TSCA) AHERA program:

Table 1: Type and Total Number of Schools in United States			Table 2: Pupil Enrollment Totals by Type of School	
PUBLIC SCHOOLS	91,062		PUBLIC SCHOOLS	46,534,687
PRIVATE SCHOOLS	27,402		PRIVATE SCHOOLS	5,076,120

CATHOLIC SCHOOLS	8,144		CATHOLIC SCHOOLS	2,500,416
CHARTER SCHOOLS	2,357		CHARTER SCHOOL	579,880

Table 3: Number of Teachers by Type of School	
PUBLIC SCHOOLS	2,887,000
PRIVATE SCHOOLS	397,000
CATHOLIC SCHOOLS	144,642
CHARTER SCHOOLS	36,019

Geographic Range
Nationwide.

Key Pollutants and Risk Factors
Asbestos is a generic name given to six minerals that contain separable, long, and thin fibers. These processed fibers are quite small (1,200x smaller than a human hair) and light weight. When released from asbestos-containing material, the fibers have the ability to remain aloft for many hours, increasing the chance that someone will inhale the fibers. The properties of asbestos fibers make it a versatile and cost-effective material. It is used where high tensile strength is required, has chemical and thermal stability, high flexibility, and low electrical conductivity.

Asbestos fibers can cause serious health problems. If inhaled, they can disrupt the normal functioning of the lungs. Three specific diseases - asbestosis, lung cancer and mesothelioma have been linked to asbestos exposure. The danger is not knowing what level of exposure to asbestos fibers will cause these diseases to occur years later. The best protection is to minimize human exposure to asbestos fibers, thereby reducing the risk of future adverse health effects. EPA has concluded that there is no safe level of exposure to asbestos fibers.

Noncompliance Information
Compliance and enforcement activities undertaken by EPA and the States in the early 1990s have given way to various stages of non-compliance today. These stages of noncompliance can be attributable to the minimal compliance and enforcement presence in the school community these past several years and the failure of school management to maintain the Designated Person position. One school group of special concern is charter schools. Beginning in the early 1990s charter schools have become an education alternative to regular public schools. Many charter schools operate from previous used school buildings, office buildings or any other building available at low or no cost to the charter school. These buildings often contain environmental hazards, such as asbestos. Many of these charter schools were started long after EPA's original

compliance assessment and enforcement were reduced.

As an example of charter school noncompliance, EPA Region V developed a two-prong compliance strategy for charter schools within their Region. In 2001, the Region sent letters to 359 charter schools operating in the Region alerting the school administrators of their responsibility to comply with the AHERA program. Additional information was sent to several state charter associations as well as state education departments as a means of reaching the charter school audience. With each contact, regional staff offered to make a presentation at any meeting that would reach charter school officials. In mid-2002, the region moved on to phase two, compliance monitoring and assessment. Nine charter schools were evaluated and all nine were in noncompliance. The violations ranged from failure to have a management plan, identify a Designated Person, monitoring and training.

In October 2003, Region 2 filed a complaint with Puerto Rico education officials for violations of AHERA. The Region conducted inspections at five schools. At each school, EPA determined that there was a release of fibers from already damaged asbestos-containing materials, asbestos-containing materials made friable by inadequately trained personnel, or removed asbestos for which documentation could not verify the asbestos was properly removed. In addition, Region 2 and Puerto Rico Dept. of Education staff did an additional 170 follow-up inspections and spot-checks. During these inspections it was revealed that required inspection, training and awareness programs were not being implemented.

The Inspector General has reviewed the AHERA program in Region III (2000) and Region IV (2002) and reported that current resources are inadequate to perform a reasonable number of compliance inspections to determine whether school districts are complying with the AHERA regulations.